

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANEL WORLD TRADE, LTD., and  
ORDER LOGISTICS, INC.,

08-CV-01327 (RJS)

Plaintiffs,

-against-

WORLD LOGISTICS SERVICES, INC.,  
RICHARD S. FRANCIS, and  
BRIAN P. GRIFFIN,

NOTICE OF MOTION TO DISMISS  
THE COMPLAINT PURSUANT TO  
FED. R. CIV. P. 12(b)(6) AND 9(b)  
BY DEFENDANT BRIAN P. GRIFFIN

ECF Case

Defendants.  
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PLEASE TAKE NOTICE THAT the undersigned attorneys for defendant Brian P. Griffin, shall apply to the Honorable Richard J. Sullivan, U.S.D.J., of the United States District Court for the Southern District of New York, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b) dismissing this action.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the Memorandum of Law Submitted by Defendant Brian P. Griffin in Support of the Motion to Dismiss the Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), in connection with the within application.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court's Order dated May 1, 2008, opposing affidavits and answering memoranda of law, if any, must be filed and served upon the undersigned and all other parties no later than June 13, 2008, and reply affidavits and memoranda of law, if any, must be served upon all parties no later than June 20, 2008.

PLEASE TAKE FURTHER NOTICE that oral argument is hereby requested, and that oral argument, if any, shall take place on a date and at a time designated by the Court. A proposed form of Order is submitted herewith.

Dated: New York, New York  
May 23, 2008

Respectfully submitted,

HUTNER KLARISH LLP  
Attorneys for Defendant Brian P. Griffin  
1359 Broadway, Suite 2001  
New York, New York 10018  
212-391-9235

By: s/Eric S. Hutner  
Eric S. Hutner (EH 6836)

TO: William J. Davis, Esq.  
Attorneys for Plaintiffs  
Scheichet & Davis, P.C.  
767 Third Avenue - 24th Floor  
New York, NY 10017

Vincent Coppola, Esq.  
Attorneys for Defendant Richard S. Francis  
Pribanic & Pribanic  
513 Court Place  
Pittsburgh, PA 15219

Juan E. Monteverde, Esq.  
Attorneys for Defendant Richard S. Francis  
Levi & Korsinsky, LLP  
39 Broadway, Suite 1601  
New York, NY 10006

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SOUTHERN DISTRICT OF NEW YORK

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JANEL WORLD TRADE, LTD., and  
ORDER LOGISTICS, INC.,

08-CV-01327 (RJS)

Plaintiffs,

-against-

WORLD LOGISTICS SERVICES, INC.,  
RICHARD S. FRANCIS, and  
BRIAN P. GRIFFIN,

ORDER DISMISSING THE  
COMPLAINT PURSUANT  
TO FED. R. CIV. P. 12(b)(6)  
AND 9(b)

ECF Case

Defendants.  
----- X

**THIS MATTER** having been opened to the Court by Hutner Klarish LLP (Eric S. Hutner, appearing), attorneys for defendant Brian P. Griffin, for an Order dismissing the within action pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), upon notice to Scheichet & Davis, P.C., attorneys for plaintiffs (William J. Davis, appearing), and Levi & Korsinsky, LLP, attorneys for defendant Richard S. Francis (Juan E. Monteverde, appearing), and the Court having considered the submissions of counsel in support of and in opposition to the application, and having heard oral argument on \_\_\_\_\_, 2008, and for good cause shown; now therefore

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2008

**ORDERED** that the motion to dismiss the within action pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), as against defendant Brian P. Griffin, be, and it hereby is, granted.

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U.S.D.J.